

**UTILITY PATENT APPLICATION TRANSMITTAL***(Only for new nonprovisional applications under 37 CFR 1.53(b))*Docket No.  
CBUS-1631-AVTotal pages in this Submission  
36**TO THE COMMISSIONER FOR PATENTS**

Mail Stop Patent Application Fee

P.O. Box 1450

Alexandria, VA 22313-1450

Transmitted herewith for filing under 35 U.S.C. 111(a) and 37 C.F.R. 1.53(b) is a new utility patent application for an invention entitled:

SURGICAL INSTRUMENTS WITH IMPROVED TRACTION

and invented by:

Charles C. Hart, Donald L. Gadberry, Eduardo Chi-Sing, Mark P. Ashby, Luis Urquidi, and Robert T. Jones

**If a CONTINUATION APPLICATION, CHECK APPROPRIATE BOX AND SUPPLY THE REQUISITE INFORMATION**☒ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) ☐ Provisional of prior application No. 10/438,016

Which is a:

☒ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) ☐ Provisional of prior application No.: 09/355,679

Which is a:

☒ 37 National Phase ☐ Divisional ☐ Continuation-in-part (CIP) ☐ Provisional of prior application No.: PCT/US98/02276

Which is based on a:

☒ Provisional ☐ Divisional ☐ Continuation-in-part (CIP) ☐ Provisional of prior application No.: 60/037,077

Enclosed are:

**Application Elements**

1. ☒ Filing fee as calculated and transmitted as described below
2. ☒ Specification having twenty-four (24) pages and including the following:
  - a. ☒ Descriptive Title of the Invention
  - b. ☒ Cross References to Related Applications *(if applicable)*
  - c. ☐ Statement Regarding Federally-sponsored Research/Development *(if applicable)*
  - d. ☐ Reference to Microfiche Appendix *(if applicable)*
  - e. ☒ Background of the Invention
  - f. ☒ Brief Summary of the Invention
  - g. ☒ Brief Description of the Drawings *(if drawings filed)*
  - h. ☒ Detailed Description
  - i. ☒ Claim(s) as Classified Below
  - j. ☒ Abstract of the Disclosure

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## Applicati n El m nts (C ntinued)

3. ☒ Drawing(s) (when necessary as prescribed by 35 USC 113)
- a. ☐ Formal      b. ☒ Informal      Number of Sheets eight (8)
4. ☒ Oath or Declaration
- a. ☐ Newly executed (original or copy)      ☐ Unexecuted
- b. ☒ Copy from a prior application (37 CFR 1.63(d)) (for continuation/divisional application only)
- c. ☒ With Copy of Power of Attorney      ☐ Without Power of Attorney
- d. ☐ **DELETION OF INVENTOR(S)**  
Signed statement attached deleting inventor(s) named in the prior application.  
see 37 C.F.R. 1.63(d)(2) and 1.33(b).
5. ☒ Incorporation By Reference (usable if box 4b is checked)  
The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein
6. ☐ Computer Program in Microfiche
7. ☐ Genetic Sequence Submission (if applicable, all must be included)
- a. ☐ Paper Copy
- b. ☐ Computer Readable Copy
- c. ☐ Statement Verifying Identical Paper and Computer Readable Copy

## Accompanying Application Parts

8. ☐ Assignment Papers (cover sheet & documents)
9. ☐ 37 CFR 3.73(b) Statement (when there is an assignee)
10. ☐ English Translation Document (if applicable)
11. ☐ Information Disclosure Statement/PTO-1449      ☐ Copies of IDS Citations
12. ☒ Preliminary Amendment
13. ☒ Acknowledgement postcard
14. ☒ Certificate of Mailing
- ☐ First Class      ☒ Express Mail (Specify Label No.): \_\_\_\_\_

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## Accompanying Application parts (Continued)

15. ☐ Certified Copy of Priority Document(s) (if foreign priority is claimed)
16. ☐ Additional Enclosures (please identify below):

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## Request That Application Not Be Published Pursuant To 35 U.S.C. 122(b)(2)

17. ☐ Pursuant to 35 U.S.C. 122(b)(2), Applicant hereby requests that this patent application not be published pursuant to 35 U.S.C. 122(b)(1). Applicant hereby certifies that the invention disclosed in this application has not and will not be the subject of an application filed in another country, or under a multilateral international agreement, that requires publication of applications 18 months after filing of the application

## Warning

**An applicant who makes a request not to publish, but who subsequently files in a foreign country or under a multilateral international agreement specified in 35 U.S.C. 122(b)(2)(B)(i), must notify the Director of such filing not later than 45 days after the date of the filing of such foreign or international application. A failure of the applicant to provide such notice within the prescribed period shall result in the application being regarded as abandoned, unless it is shown to the satisfaction of the Director that the delay in submitting the notice was unintentional.**

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36**Fee Calculation and Transmittal****CLAIMS AS FILE**

For	# Filed	#Allowed	#Extra	Rate	Fee
Total Claims	13	20	0	x \$ 9.00	0
Indep. Claims	2	3	0	x \$ 40.00	\$ 0
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>					\$ 0.00s
BASIC FEE					\$750.00
OTHER FEE (specify purpose) _____					\$ 0.00
TOTAL FILING FEE					\$750

- ☒ A check in the amount of 750.00 to cover the filing fee is enclosed.
- ☒ The Commissioner is hereby authorized to charge and credit Deposit Account No. 01-2215, as described below. a duplicate copy of this sheet is enclosed.
- ☐ Charge the amount of \$ \_\_\_\_\_ as filing fee.
- ☒ Credit any overpayment
- ☒ Charge any additional filing fees required under 37 C.F.R. 1.16 and 1.17.
- ☐ Charge the issue fee set in 37 C.F.R. 1.18 at the mailing of the Notice of Allowance, pursuant to 37 C.F.R. 1.311(b).
- ☒ Applicant claims small entity status under 37 C.F.R. 1.27.

Dated: September 15, 2003  
SignatureKenneth K. Vu, Reg. No. 46,323  
Applied Medical Resources Corporation  
22872 Avenida Empresa  
Rancho Santa Margarita, California 92688

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application: )  
Hart et al. )  
U.S. Serial No.: To be Assigned ) Examiner: Reip  
Filed: Herewith ) Art Unit: 3731  
For: SURGICAL INSTRUMENTS WITH )  
IMPROVED TRACTION )



21378

PATENT TRADEMARK OFFICE

EXPRESS MAIL MAILING LABEL NO.: EV 207797355 US

Date of Deposit: September 18, 2003

I hereby certify that the following documents as identified below are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. §1.10 on the date indicated above and are addressed to Assistant Commissioner of Patents and Trademarks, Washington, D.C. 20231:

1. Utility Patent Application Transmittal (4 pages);
2. Preliminary Amendment
3. Patent Application, serial No. 09/355,679
  - a. Specification (sixteen (16) pages)
  - b. Drawings (eight (8) pages)
  - c. Declaration for Patent (copy)
  - d. Associate Power of Attorney (copy)
4. Check No. 097283 in the amount of \$ 750.00; and
5. Return receipt postcard; and

Each of the identified documents is enclosed herewith.

Respectfully submitted,

Barbara Johnson  
Applied Medical Resources Corporation

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